

### **REMARKS**

This amendment is submitted with a Request for Continued Examination in reply to the Office Action dated July 27, 2006. Claims 2-4, 7-11, 14, 15 and 19-29 currently stand rejected. Applicant has amended independent claims 21, 24, 26 and 28 to more particularly distinguish the claimed invention from the cited references. Claim 23 has been canceled, without prejudice. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Rejections - 35 USC §103**

Claims 2-4, 7-11, 14, 15 and 19-29 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over to Vantila et al. (U.S. Patent No. 5,794,142, hereinafter "Vantila") in view of Hansson (U.S. Patent No. 6,023,620). Claim 23 has been canceled, without prejudice, and thus the rejection of claim 23 is now moot.

Applicant has amended independent claim 21 to recite, *inter alia*, a network-positioned data call connector for establishing a direct data call connection directly with the mobile station independent of an input from a user of the mobile station.

The present application is directed to a technique for downloading an operational parameter to a mobile-station. As its name suggests, an operational parameter is a parameter utilized by the mobile-station during subsequent operation, such as subsequent communication. In one embodiment, a network part includes a download parameter initiation signal generator for notifying a network node and, more particularly, for notifying a download parameter request signal generator of the network node, of an operational parameter to be updated or otherwise provided to the mobile station. The download parameter request signal generator of the network node then transmits a short message service (SMS) message to the mobile-station notifying the mobile-station of the operational parameter that could be updated. As described, for example, at page 11, lines 4-8 and page 6, lines 7-9 of the specification as filed, when the message is detected, a direct call connection is established between the network part in the form of a data call connector and the mobile-station in which the operational parameter is provided to the

mobile-station for use during subsequent communications. In other words, the data call is caused to be commenced responsive to detection of a download parameter request signal and independent of an input from a user of the mobile station.

Vantila describes a technique for adding to or changing the functionality of a mobile station by transmitting an SMS message to the mobile station which identifies the function to be added or changed, as well as any corresponding change to the screen displays. Vantila discloses two different techniques in this regard. In the technique described in reference to FIG. 4, Vantila discloses that the user may call to request a particular function to be enabled. In response to the request, the operator site may send an SMS message to enable the function, which the user terminal activates at step D of FIG. 4. In the technique described in reference to FIG. 5, Vantila discloses that a network operator may decide to offer enabling or disabling certain functions without a request from the user. However, at step B, the user decides whether to accept or reject the network service and replies with an SMS at step C (see also col. 7, lines 41-51). Thus, in both techniques disclosed in Vantila, a user provides an input to request for additional functionality or to accept of an offer to change the functionality of a mobile station. Thus, Vantila fails to teach or suggest a network-positioned data call connector for establishing a direct data call connection directly with the mobile station independent of an input from a user of the mobile station as claimed in independent claim 21.

Hansson describes a technique for providing a mobile station with new operating software. In this regard, Hansson describes the transmission of an SMS message to the mobile terminal indicating that new operating software is available and, if the mobile terminal accepts, the subsequent download of the operating software during a call established with the mobile station (col. 2, lines 56-57 and col. 3, lines 48-52). Thus, Hansson also fails to teach or suggest a network-positioned data call connector for establishing a direct data call connection directly with the mobile station independent of an input from a user of the mobile station as claimed in independent claim 21.

Since none of the cited references alone teach or suggest a network-positioned data call connector for establishing a direct data call connection directly with the mobile station independent of an input from a user of the mobile station as claimed in independent claim 21,

any combination of the cited references likewise fails to render independent claim 21 obvious for at least the same reasons described above. Independent claims 24, 26 and 28 have also been amended to include a similar recitation to that of independent claim 21 with respect to establishing a direct call independent of an input from a user of the mobile station. Accordingly, independent claims 24, 26 and 28 are patentable for at least the same reasons that independent claim 21 is patentable. Claims 2-4, 7-11, 14, 15, 19, 20, 22, 25, 27 and 29 depend either directly or indirectly from respective ones of independent claims 21, 24, 26 and 28, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-4, 7-11, 14, 15, 19, 20, 22, 25, 27 and 29 are patentable for at least those reasons given above for independent claims 21, 24, 26 and 28.

Accordingly, Applicant respectfully submits that the rejections of claims 2-4, 7-11, 14, 15, 19-22 and 24-29 are overcome.

**CONCLUSION**

In view of the amended and newly presented claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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